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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,880	06/28/2000	Jeffrey Wheeler	95-427	6355

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EXAMINER

GROSS, KENNETH A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 03/18/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/604,880

Applicant(s)

WHEELER ET AL.

Examiner

Kenneth A Gross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Based on the Request for Reexamination filed on February 18th, 2004, the examiner withdraws the final rejection filed on December 18th, 2003.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, Claim 1 recites “receiving a generic command from the user” where the generic command is validated based on “a prescribed generic command format” (lines 3-5). It is unclear how a generic command can have a prescribed format. This seems to contradict the idea of a generic command that is given a ‘best match’ corresponding to a number of ‘respective command formats’ of computer programs. Isn’t a command with a “prescribed command format” inherently a specific command, since it has a specific command format? Claims 10, 14, and 23 are rejected for similar reasons. Claims 2-9, 11-13, 15-22, and 24-26 are rejected for being dependent on a rejected parent claim.

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shieber et al. (U.S. Patent Number 6,138,098) in view of Belknap et al. (U.S. Patent Number 6,516,356).

In regard to Claim 1, Shieber teaches the following: (a) receiving a command from the user (Column 3, lines 35-40); (b) validating the command based on a command parse tree (Column 3, lines 40-49); (c) issuing a prescribed command based on the matched element (Column 3, lines 50-56). Shieber does not teach that the command is a generic command. Belknap, however, does teach inputting a generic command into a command parser, which then applies a specific command to a specific media device (Column 1, lines 45-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of receiving a command from the user, validating the command based on a command parse tree, and issuing a prescribed command based on the matched element, as taught by Shieber, where the command is a generic command, as taught by Belknap, since this allows a level of abstraction for specifying commands for a plurality of programs with different command formats.

In regard to Claim 10, Shieber teaches: (a) a parser having a command parse tree configured for validating a command from the user (Column 3, lines 57-60) the parser identifying one of the elements as a best match relative to the command (Column 12, lines 23-28); (b) a translator configured for issuing commands for the management programs according to

the respective command formats, the parser outputting a prescribed command to a s the translator based on the identified one element (Figure 2, item 74). Shieber does not teach that the command is a generic command nor does he teach a plurality of translators. Belknap, however, does teach inputting a generic command into a command parser, which then applies a specific command to a specific media device (Column 1, lines 45-57) and also teaches a plurality of translators (Figure 1, item 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure a system including a parser having a command parse tree configured for validating a command from the user, the parser identifying one of the elements as a best match relative to the command, and a translator configured for issuing commands for the management programs according to the respective command formats, the parser outputting a prescribed command to a s the translator based on the identified one element, as taught by Shieber, where the command is a generic command and the translator comprises a plurality of translators, as taught by Belknap, since this allows a level of abstraction for specifying commands for a plurality of programs with different command formats.

Claim 14 is a medium Claim that corresponds with method Claim 1, and Claim 14 is rejected for the same reasons as Claim 1, where Shieber teaches a medium (Figure 1) for carrying out said method of Claim 1.

Claim 23 contains limitations that have already been addressed in the rejection of Claim 10, and Claim 23 is rejected for the same reasons as Claim 10.

6. Claims 2-9, 11-13, 15-22, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shieber et al. (U.S. Patent Number 6,138,098) in view of Belknap et al. (U.S.

Patent Number 6,516,356) and further in view of Hancock et al. (U.S. Patent Number 6,397,283).

In regard to Claim 2, Shieber and Belknap teach the method of claim 1, but do not teach a table for associating user commands with acceptable commands containing tokens, nor does he teach determining the presence of a matching token in the tree. Hancock, however, does teach such a table as well as matching tokens from the command string and the command table (Column 8, lines 48-67, and Column 9, lines 1-4). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the command processing method of Claim 1 as taught by Shieber and Belknap, where the commands are compared to a table for associating user commands with acceptable commands containing tokens and the presence of a matching token in the tree is determined, as taught by Hancock, since a table allows for fast lookup and parsing of a command.

In regard to Claim 3, Shieber teaches traversing the parse tree recursively (Column 3, lines 46-52 and Figure 6, items 142 and 152).

In regard to Claim 4, Shieber teaches issuing the action based on the command string that matched the command (Column 50-56).

In regard to Claim 5, Shieber teaches a translator that converts a generic command into a prescribed command (Figure 2, item 74).

In regard to Claim 6, Shieber teaches a best match functionality (Column 12, lines 23-28).

In regard to Claim 7, Shieber teaches that the command is related to a management program (Abstract).

In regard to Claim 8, Shieber teaches a best match functionality (Column 12, lines 23-28).

In regard to Claim 9, Shieber teaches that the command is related to a management program (Abstract).

Claims 15-22 are medium Claims that corresponds with method Claims 2-9, respectively, and are rejected for the same reasons as Claims 2-9, respectively, where Shieber teaches a medium (Figure 1) for carrying out said method of Claims 2-9.

Claims 11-13 and 24-26 are system Claims that corresponds with method Claims 2-4, respectively, and are rejected for the same reasons as Claims 2-4, respectively, where Shieber teaches a system (Figure 1) for carrying out said method of Claims 2-4.

Response to Arguments

7. Applicant's arguments filed February 18th, 2004 have been fully considered but they are not persuasive.

Specifically, with respect to the argument of the definition of "generic command", the applicant is directed to the newly rejected Claims 1, 10, 14, and 23, which includes Belknap as new art. Belknap does teach receiving a generic command, and using a specific command to execute a plurality of programs (Column 1, lines 45-57). This art is meant to support Shieber, which still discloses parsing and issuing commands based on a best match.

Furthermore, the applicant claims that Shieber teaches that since the parse tree is rewritten several times by a rewriter, the command is not validated based on the command parse tree. However, this is untrue. The rewrite rules *do* validate commands on the parse tree by

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matching commands on the tree (identifying one of the elements) (Column 3, lines 46-49). The applicant also argues that since the parse tree is converted into a command string, then a single element on the tree not used to issue a prescribed command, as taught in the present invention. However, the element detected in the present invention is not the command given to the management program. It is fed into a translator (Figure 1 of the present invention), which converts the command into a specific instruction. Shieber, too, matches commands in the command parse tree with known commands and converts the parse tree based on the given command.

Finally, with regard to the motivation of combining of Shieber and Hancock, the examiner stands by the motivation for combining the references as stated in the Final Rejection mailed on December 18th, 2003. Both Shieber and Hancock teach command parsers and command parsing, and thus would be obvious to combine the two arts to derive the features and benefits of both.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KAG

A handwritten signature in black ink, appearing to read 'Tuan Dam', with a long horizontal line extending to the left.

TUAN DAM
SUPERVISORY PATENT EXAMINER